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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,571	08/16/2006	Andras Fazakas	7862-88269	9933
42798 7590 04/02/2008 FITCH, EVEN, TABIN & FLANNERY P. O. BOX 18415 WASHINGTON, DC 20036				
EXAMINER MAYO III, WILLIAM H				
ART UNIT		PAPER NUMBER		
2831				
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04/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/589,571

**Applicant(s)**

FAZAKAS, ANDRAS

**Examiner**

William H. Mayo III

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date August 16, 2006.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in present Application No. 10/589,571, filed on August 16, 2006.
2. Acknowledgment is made of applicant's claim for domestic priority under 35 U.S.C. 120. The PCT Application Number PCT/HU05/000014, being filed on December 15, 2005.

### ***Drawings***

3. The drawings are objected to because Figures 2-3 lacks the proper cross-hatching which indicates the type of materials, which may be in an invention. Specifically, the cross hatching to indicate the conductive and insulative materials is improper. The applicant should refer to MPEP Section 608.02 for the proper cross-hatching of materials. Correction is required.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37

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CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

### ***Specification***

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because in line 1, the abstract recites the terms "is provided" and in line 15 "Characteristic Figure: Figure 1", which is improper language for the abstract. The applicant should delete the terms in order to provide the abstract with proper language. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by anticipated by Buerger (DE Pat Num 201 01 054). Buerger discloses a current conductor (Fig 1) that may be utilized as an electrical cable comprising two low frequency cables (see Description). Specifically, with respect to claim 1, Buerger discloses a current conductor (1) made of braided wires (3, 4) and formed of braided groups (3 & 4) of wire strands (see abstract) intersecting one another an angle, wherein the angle of intersection between the groups (3 & 4) is  $90 \pm 30$  (Page 2, fifth paragraph), wherein the braid (3 & 4) has a closed cross sectional profile (Fig 1) and a spacer insert (2) positioned within the cross section capable of preserving the shape of the profile (Fig 1), wherein the current conductor (3 & 4) is capable of being used for current densities of  $5\text{A/mm}^2$  (i.e. all of the claimed limitations are taught therefore this characteristics has to be inherent), wherein each of the strands of the groups (3 & 4) are insulated from one another (i.e. Teflon®) and wherein the braided groups (3 & 4) are continuously covering the outer surface of the spacer insert (2, Fig 1). With respect to claim 3, Buerger discloses that the groups (3 & 4) each contain a plurality of parallel elemental strands (see abstract). With respect to claim 4, Buerger discloses that the strands carry an enamel insulation (i.e. Teflon®). With respect to claim 5, Buerger discloses that the spacer insert (2) has a circular or elliptical cross section (Fig 1). With respect to claim 6, Buerger discloses that the spacer insert (2) is a tube having an inner cavity (Fig 1). With respect to claim 7, Buerger discloses that a coolant liquid may be passed through the inner cavity (6.2, Fig 2) of the spacer insert (2).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over (DE Pat Num 201 01 054). Buerger discloses a current conductor (Fig 1) that may be utilized as an electrical cable comprising two low frequency cables (see Description).

However, Buerger doesn't specifically disclose the group containing a single strand (claim 2), nor the inner cavity comprising an additional conductor (claim 8).

With respect to claim 2, it would have been obvious to one having ordinary skill in the art of cables at the time the invention was made to modify the current conductor of Buerger to comprise the conductor being a single strand since it is well known in the art of cables that conductors are commonly formed as a single strand in order to provide the conductor with rigid characteristics.

With respect to claim 8, it would have been obvious to one having ordinary skill in the art of cables at the time the invention was made to modify the current conductor of Buerger to comprise the conductor being inserted in the inner cavity since it is well known in the art of cables that conductors are commonly inserted in inner cavities of cables in order to provide the cable with additional means of transmitting signals.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They are Strait, Jr (Pat Num 4,719,320) and Samson et al (Pat Num 6,824,553), both of which disclose current conductors.

### ***Communication***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (571)-272-1978. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245 or (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William H. Mayo III/

William H. Mayo III  
Primary Examiner  
Art Unit 2831

WHM III  
March 30, 2008